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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,289	10/20/2003	James Edward Johnson	133476	3158

7590 01/11/2006

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EXAMINER	
KIM, TAE JUN	

ART UNIT	PAPER NUMBER
3746	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/689,289	**Applicant(s)** JOHNSON, JAMES EDWARD	
	Examiner Ted Kim	**Art Unit** 3746	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

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Continuation of 11. does NOT place the application in condition for allowance because: There is adequate motivation to combine references as set forth in the Final Office Action of 10/03/2005. Applicant's main argument is that the variable cycle engines of which Flade is a type is not taught in a single reference with a fixed geometry inlet. Such an argument is not persuasive in that fixed geometry inlets are well known for use in gas turbine engines and there is nothing in the references to clearly teach away from using a fixed geometry inlet with a Flade type engine or any other type of engine. While the Flade engines of Johnson et al and EP '277 clearly teach the engine structure of the claims, each of the secondary references Tindell, Creasey et al, Buillock and Kerry teach an elongated fixed inlet duct which delivers the air to the gas turbine engine. Motivation to combine includes the following reasons. Tindell teaches a fixed geometry inlet duct 2 in direct flow communication with the engine 8 inlet with benefits including fluidic variable inlet control and enhanced inlet performance (col. 2, lines 38-44) and reduced separation and allowing optimization of surge margin (col. 5, lines 1-12) as well as enhanced handling of supersonic flows into the inlet. Creasy et al teach a fixed geometry inlet duct 130 in direct flow communication with the engine inlet 155; further comprising the fixed geometry inlet duct having a two-dimensional convergent/divergent inlet duct passage with convergent and divergent sections, and a throat therebetween and a transition section between the two-dimensional convergent/divergent inlet duct passage and the engine inlet where the engine is a turbojet engine (col. 1, lines 26+) as well as enhanced handling of supersonic flows into the inlet. Creasy teaches the inlet is isentropic (col. 3, circa line 46), i.e. with minimal losses, as well as enhanced handling of supersonic flows into the inlet. Bullock teach a fixed geometry inlet duct 2 in direct flow communication with the engine 12 inlet; further comprising the fixed geometry inlet duct having a two-dimensional (rectangular, col. 2, lines 30+) convergent/divergent inlet duct passage with convergent and divergent sections, and a throat therebetween and a transition section between the two-dimensional convergent/divergent inlet duct passage and the engine inlet 12 where the engine is a gas turbine engine (col. 3, lines 7+) and benefits include the ability to control the inlet flow as well as enhanced handling of shock waves (col. 1, lines 1-30) as well as enhanced handling of supersonic flows into the inlet. Kerry et al teach a fixed geometry inlet duct 37 in direct flow communication with the engine inlet to from a smooth continuation of the inlet of the engine (col. 3, lines 8+). Reasons for combining include providing a well known type of inlet for the gas turbine engine of Johnson et al with advantages including reduced flow losses and/or to allow control the inlet flow as well as enhanced handling of shock waves and/or to provide a smooth streamlined inlet and/or enhanced handling of supersonic flows into the inlet. Applicant's arguments that the prior art would teach away from the combination are not persuasive as matching the amount of inlet air flow required is within the ordinary skill in the art and not part of the claims. Even if this feature were claimed, this is clearly within the ordinary skill in the art as evidenced by Tindell who teaches that variable geometry inlets for gas turbines are known in the art (col. 1, lines 13-24, 50-60) and that his improvement is a fixed geometry inlet with variable boundary layer control, i.e. fludic control over the inlet flo, which allows opitmized engine performance (col. 6, lines 31-35). The features including the aircraft and the engine fuselage are taught as well (see e.g. Kerry col. 1, lines 44+ for equivalence of mounting the engine in the fuselage or the wing) and/or it is well known to all in the field that military aircraft use an engine mounted in the fuselage with a flush inlet.

Continuation of 13. Other: the replacement drawing of 12/26/2005 has been considered and not entered. Element 113 is supposed to be the engine fuselage, rather it appears to be a wing. Hence, applicant's drawing would bring in new matter in that by definition a fuselage does not include the wing.

NEW SHEET

TITLE: FLADE GAS TURBINE ENGINE
WITH FIXED GEOMETRY INLET
INVENTOR: JAMES E. JOHNSON
DOCKET: 133476
ATTY: STEVEN J. ROSEN; PHONE: (513) 489-5353

7/7

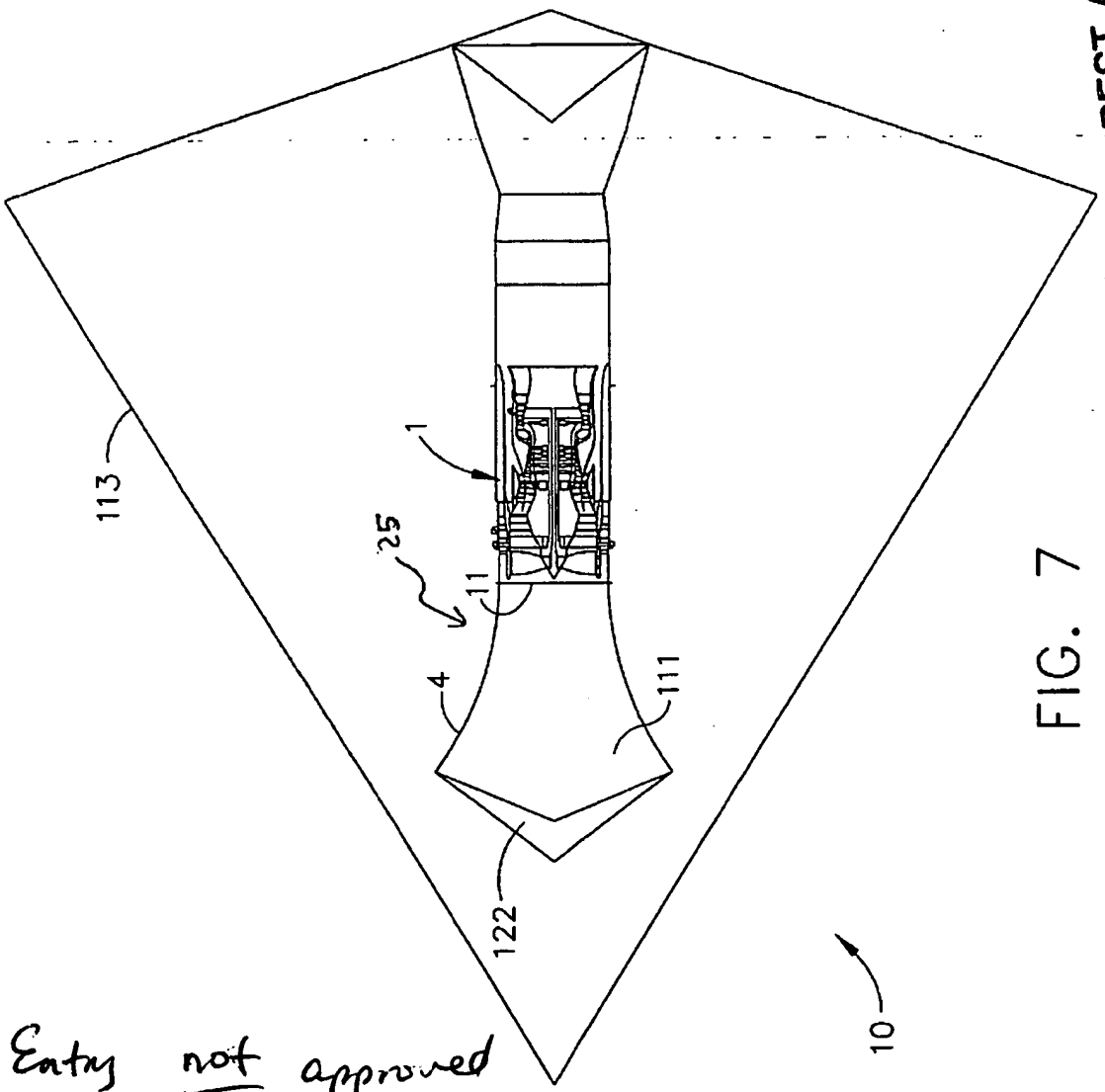

FIG. 7

Entry not approved
JJC
1/6/06